



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

December 2, 2019

BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/2/2019

Re: *United States v. Ricardo Fabian*, 19 Cr. 556 (LTS)

Dear Judge Swain:

The Government respectfully submits this letter regarding the above-captioned case. On November 5, 2019, the Court held a status conference and scheduled another status conference for December 5, 2019 at 11:00 a.m., and excluded time under the Speedy Trial Act because the defendant was continuing to review discovery and was planning to make an application to the Young Adult Opportunity Program (YAOP). Since that time, the parties have continued to discuss a potential disposition of the case, and defense counsel has informed the Government that he is still preparing his application for the YAOP. Accordingly, the parties respectfully request that the Court adjourn the status conference by approximately 45 days to enable the defendant to complete his application, which the parties anticipate may facilitate the disposition of this case.

Because the purpose of this requested continuance is to facilitate ongoing disposition discussions, the parties jointly submit that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial, and request that the Court accordingly exclude time under 18 U.S.C. 3161(h)(7)(A) and (B), from December 5, 2019, until the continued date set by the Court.

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I have discussed the scheduling requests made in this letter with defense counsel, who joins in the requests.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: Thane Rehn
Thane Rehn
Assistant United States Attorney
nathan.rehn@usdoj.gov
(212) 637-2354

Cc (by ECF): Jesse M. Siegel, Esq.

THE APPLICATION IS GRANTED. THE CONFERENCE IS adjourned to
2/20/20 AT 11 AM IN COURTROOM 17C. THE COURT FINDS PURSUANT TO 18
U.S.C. §3161(h)(7)(A) THAT THE ENDS OF JUSTICE SERVED BY AN EXCLUSION OF THE TIME
FROM TODAY'S DATE THROUGH 2/20/20 OUTWEIGH THE BEST INTERESTS OF THE PUBLIC AND
THE DEFENDANT IN A SPEEDY TRIAL FOR THE REASONS STATED ABOVE. SO ORDERED.

LSW 12/2/19
LAURA TAYLOR SWAIN, USDJ